

UNITED STATES PATENT AND TRADEMARK OFFICE

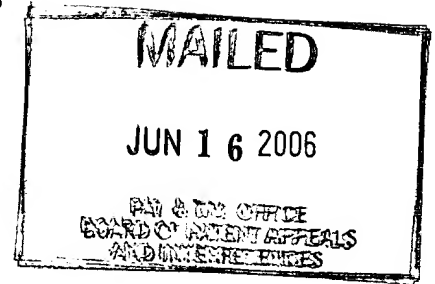
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DAVID W. CANNELL,  
HITENDRA MATHUR and  
NGHI VAN NGUYEN

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Application No. 09/820,934

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on June 5, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On January 26, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 3, paragraph 8, the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references to Niemiec et al (U.S. Patent No. 6,495,498), and Bertho et al. (U.S. Patent No. 5,688,930) were

applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the examiner's answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. Appropriate correction is required.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for:

- 1) vacate the Examiner's Answer mailed January 26, 2006, and issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'DMS', is written over a horizontal line.

DALE M. SHAW  
Deputy Chief Appeal Administrator  
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Application No. 09/820,934

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